

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No. 2:24-cv-01986-CJC-AJR

Date: May 30, 2024

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Title: Jessica Martinez v. USCIS

DOCKET ENTRY: **ORDER TO SHOW CAUSE RE FAILURE TO FILE AMENDED COMPLAINT AND WHY THIS ACTION SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE**

PRESENT:

HONORABLE A. JOEL RICHLIN, UNITED STATES MAGISTRATE JUDGE

Claudia Garcia-Marquez

Deputy Clerk

None

Court Reporter/Recorder

None

Tape No.

ATTORNEYS PRESENT FOR
PLAINTIFF:

None Present

ATTORNEYS PRESENT FOR
DEFENDANT:

None Present

PROCEEDINGS: (IN CHAMBERS)

On March 12, 2024, *pro se* Plaintiff Jessica Martinez (“Plaintiff”), filed a complaint (the “Complaint”) against “USCIS.” (Dkt. 1.) On March 21, 2024, the Court dismissed Plaintiff’s Complaint with leave to amend for various pleading deficiencies and directed Plaintiff to file a First Amended Complaint (“FAC”), if any, by April 19, 2024. (Dkt. 5.) The Court’s orders were subsequently returned as undeliverable. (Dkts. 7, 9, 10.) The Court issued an Order to Show Cause why the action should not be dismissed for failure to provide a current address under Local Rule 41-6 on March 29, 2024. (Dkt. 8.) Plaintiff subsequently updated her address and the Court discharged the March 29, 2024 Order to Show Cause. (Dkt. 11.) The Court also directed the Clerk of Court to re-mail the March 21, 2024 dismissal order to Plaintiff’s updated address and extended Plaintiff’s deadline to file an amended complaint to May 13, 2024. (Dkts. 11-12.)

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More than two weeks have passed since Plaintiff's deadline to file a FAC in response to the Court's Order. As of today, Plaintiff has neither filed an amended complaint nor requested an extension of time in which to do so. The action cannot move forward unless and until Plaintiff files an amended complaint. Plaintiff is ordered to file a FAC, if any, by **June 12, 2024** or show cause why the action should not be dismissed with prejudice for failure to prosecute. If Plaintiff chooses to file a FAC, it should attempt to remedy the pleading defects identified in the March 21, 2024 dismissal order (Dkt. 5.), bear the docket number assigned to this case (2:24-cv-01986-CJC-AJR), be labeled "First Amended Complaint," and be complete in and of itself without reference to the original Complaint or any other document (except any document that Plaintiff chooses to attach to the FAC as an exhibit). Plaintiff is encouraged to state her claims in simple language and provide only a brief statement of supporting facts, omitting facts that are not relevant. Should Plaintiff decide to file a FAC, she is strongly encouraged to utilize the form complaint attached to this Order.

Plaintiff is expressly advised that if she does not file a FAC by the Court's deadline or respond to this order, the Court will recommend that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey Court orders. If Plaintiff no longer wishes to pursue this action or certain claims or defendants, she may voluntarily dismiss the entire action, certain claims, or certain defendants by filing a Notice of Dismissal in accordance with Federal Rule of Civil Procedure 41(a)(1). A form Notice of Dismissal is attached for Plaintiff's convenience.

IT IS SO ORDERED.

Attachment:

CV-09, Notice of Dismissal Pursuant to Federal Rules of Civil Procedure 41(a) or (c). Pro Se 15, Complaint for Violation of Civil Rights (Non-Prisoner), available at <https://www.uscourts.gov/forms/pro-se-forms/complaint-violation-civil-rights-non-prisoner>.